APPENDIX.

Fair Labor Standards Act, c. 676, 52 Stat. 1060 (29 U. S. C., Sec. 201 *et seq.*):

SEC. 13. (a) The provisions of sections 6 and 7 shall not apply with respect to (1) any employee employed in a bona fide * * * local retailing capacity * * * (as such terms are defined and delimited by regulations of the Administrator)[7] * * *

[7] The Administrator defines these terms in regulations issued in October, 1940, Title 29, Labor, Chapter 5, Wage and Hour Division, Part 541, Section 541.4, Code of Federal Regulations (published in the Federal Register October 15, 1940) as follows: "The term 'employee employed in a bona fide * * * local retailing capacity' in section 13(a)(1) of the act shall mean any employee

(A) who customarily and regularly is engaged in

(1) making retail sales the greater part of which are in intrastate commerce; or

(2) performing work immediately incidental thereto, such as the wrapping or delivery of packages, and

(B) whose hours of work of the same nature as that performed by non-exempt employees do not exceed 20 per cent of the number of hours worked in the workweek by such non-exempt employees."